

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 MYRB Corporation: Case #16-CMP-00363

8 t/a Geranium Market :

9 7350 Georgia Ave NW :

10 License #60723 :

11 Retailer B ANC 4A :

12 Failure to make settlement :

13 Agreement accessible :

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15 Wednesday, August 3, 2016

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17 Whereupon, the above-referenced matter
 18 came on for hearing at the Alcoholic Beverage
 19 Control Board, Reeves Center, 2000 14th Street,
 20 N.W., Suite 400S, Washington, D.C. 20009.

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2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 RUTHANNE MILLER, BOARD MEMBER

7

8 ALSO PRESENT:

9 LOUISE PHILLIPS

10 MERSHA ABATE

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1 P R O C E E D I N G S

2 SHOW CAUSE HEARING

3 CHAIRPERSON ANDERSON: All right the next
4 case on our show cause hearing status calendar is
5 case #16-CMP-00363, Geranium Market, license
6 #60723. Will the parties please approach and
7 identify themselves for the record, please?

8 MS. PHILLIPS: Good morning, board members,
9 Louise Phillips, Assistant Attorney General for
10 the District of Columbia.

11 CHAIRPERSON ANDERSON: Good morning, Ms.
12 Phillips. Can you please identify yourself, sir?

13 MR. ABATE: Yes?

14 CHAIRPERSON ANDERSON: Can you please
15 identify yourself for the record?

16 MR. ABATE: Okay, I am Geranium Bar co-owner.
17 My name is Mersha Abate.

18 CHAIRPERSON ANDERSON: Can you please spell
19 your name for the record, too, sir?

20 MR. ABATE: M-E-R-S-H-A first name, and last
21 name is Abate, A-B-A-T-E.

22 CHAIRPERSON ANDERSON: There is also a sign-

1 in sheet on the table so I would like you to also
2 sign that sheet on the table, sir. Over on the
3 other side next to you. All right, Ms. Phillips
4 are there any preliminary matters in this case?

5 MS. PHILLIPS: This is a more unusual
6 circumstance than I usually come across, Mr.
7 Chair. My understanding is that a mandatory
8 warning should have been issued and so that would
9 be what the offer in compromise is. I have not
10 had a chance to speak to Mr. Abate, but usually
11 warnings come out before we even have show cause
12 hearings, is my understanding. So, we'll put
13 that on the record and if the board accepts it
14 then maybe we can move on.

15 CHAIRPERSON ANDERSON: So, you're basically
16 saying that there's an offer in compromise of a
17 mandatory written warning.

18 MS. PHILLIPS: Well, that's what I have to
19 offer since it wasn't taken care of
20 administratively before we got to show cause
21 status and show cause hearing situations, which
22 is why I appear.

1 CHAIRPERSON ANDERSON: Okay, fine. Does Mr.
2 Abate -- does he --

3 MS. PHILLIPS: I have not had a chance to
4 talk to him.

5 CHAIRPERSON ANDERSON: Can you then - do you
6 need a moment to talk to him so he'll know what
7 it is that - what is being proposed?

8 MS. PHILLIPS: This is a case where you're
9 supposed to get a warning, which is a letter, in
10 your file that tells you don't do this again.
11 And so, because we're here I'm willing to tell
12 the board - is that something that you're
13 agreeable to?

14 MR. ABATE: [inaudible 13:02]

15 MS. PHILLIPS: Well, this is the time to
16 either accept the mandatory warning or come back
17 if you have something you want to tell the board
18 another time. So, you didn't know where it was?
19 Okay. So are you going to accept the warning?

20 MR. ABATE: Yeah.

21 MS. PHILLIPS: Okay. All right. It sounds
22 like we have an agreement here, Mr. Anderson.

1 CHAIRPERSON ANDERSON: Can you tell me, Ms.
2 Phillips, what the agreement is, please?

3 MS. PHILLIPS: The offer in compromise is a
4 mandatory written warning.

5 CHAIRPERSON ANDERSON: All right. Thank you,
6 Ms. Phillips. Mr. Abate, it's my understanding
7 there's an offer in compromise that there is a
8 mandatory written warning, meaning that there
9 will be a written warning in your file saying
10 that this violation occurred. There is no fine
11 amount, you don't have to pay any dollars, any
12 money, so what it basically says that if you do -
13 if this occurs again you will be cited and have
14 to pay a fine but in this particular case you
15 will not be charged, you will not be - you don't
16 have to pay a fine but there will - your license
17 will say that this warning was issued. So, do
18 you accept this offer in compromise, sir?

19 MR. ABATE: Yes.

20 CHAIRPERSON ANDERSON: And do you know that
21 by accepting an offer in compromise you're giving
22 up your right to a hearing?

1 MS. PHILLIPS: You don't have to come back.

2 MR. ABATE: Okay.

3 MS. PHILLIPS: So, we don't have a hearing
4 where you put on evidence. You have to tell Mr.
5 Anderson that, though.

6 CHAIRPERSON ANDERSON: You have to say 'yes'
7 that you're giving up your right to a hearing
8 and you're also giving up your right by accepting
9 this offer in compromise you're also giving up
10 your right to appeal this matter. You need to
11 say 'yes.'

12 MR. ABATE: Yes.

13 CHAIRPERSON ANDERSON: Okay, thank you. The
14 record has to reflect that you agree to what I
15 just stated that's why. I'm not trying to be
16 difficult, I'm just trying to let you know that
17 we need a written record of it. There has been
18 an offer in compromise of a mandatory written
19 warning on this matter. I make a motion that the
20 the offer in compromise be accepted. Is there a
21 second?

22 MR. SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. Any discussion? Hearing
3 none, all those in favor say aye. (Chorus of
4 ayes) Those opposed? (No audible response). The
5 matter passed 5-zero-zero. Thank you very much.
6 We're going to have you sign something sir, so
7 you can step back.

8 MR. ABATE: Okay.

9 CHAIRPERSON ANDERSON: That's over. Thank
10 you very much for appearing here today, okay?
11 We'll just have you sign some documents to say
12 you were here today and this is what you agreed
13 to.

14 MS. PHILLIPS: You need to sign it. No, you
15 don't need to talk to me any more. We're all
16 finished.

17 MR. ABATE: Okay.

18 (Whereupon, the above-entitled matter was
19 concluded.)

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